

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL RETTER, :
Plaintiff, :
: 20 Civ. 8495 (JPC)
-v- :
: ORDER
BOLIVARIAN REPUBLIC OF VENEZUELA, :
Defendant. :
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JOHN P. CRONAN, United States District Judge:

On May 1, 2023, the Court provisionally granted Plaintiff's request to serve Defendant with his default judgment motion papers via email after Plaintiff's previous attempts to serve Defendant via mail were unsuccessful. Dkt. 65. Plaintiff served Defendant with his default judgment motion papers via email on May 2, 2023. Dkt. 66.

Local Civil Rule 55.2(c) requires that all papers submitted to the Court pursuant to a default judgment "shall simultaneously be mailed to the party against whom a default judgment is sought at the last known . . . business address of such party (if a person other than an individual)." Moreover, "[p]roof of such mailing shall be filed with the Court" and "[i]f such mailing is returned, a supplemental affidavit shall be filed with the Court setting forth that fact, together with the reason provided for return, if any." *Id.* "Failure to comply with Local Civil Rule 55.2(c) warrants denial of the motion for default judgment and courts in the Eastern and Southern Districts regularly deny such motions when strict procedural compliance is lacking." *United States v. John*, No. 18 Civ. 5045 (ENV) (VMS), 2020 WL 4915371, at *4 (E.D.N.Y. Aug. 21, 220) (internal quotation marks and brackets omitted).

In this case, Plaintiff's counsel filed a sworn declaration averring that Plaintiff's default

judgment motion papers were served on Defendant via mail at Defendant's two last known addresses. Dkt. 62. However, Plaintiff did not file a supplemental declaration attesting that the mailings were returned as undeliverable and "the reason provided for return, if any." Local Civ. R. 55.2(c).¹ Accordingly, to the extent Plaintiff's attempts to mail its default judgment motion papers are still undeliverable, Plaintiff shall file "a supplemental affidavit . . . setting forth that fact, together with the reason provided for return, if any," *id.*, by June 23, 2023.

SO ORDERED.

Dated: June 22, 2023
New York, New York



JOHN P. CRONAN
United States District Judge

¹ While Plaintiff provided a status letter as to the mailings on April 28, 2023, Dkt. 64, such filings is not a sworn affidavit, and thus does not strictly comply with Local Civil Rule 55.2(c). See, e.g., *Tenemaza v. Eagle Masonry Corp.*, No. 20 Civ. 452 (AMD) (VMS), 2021 WL 8317120, at *4 (E.D.N.Y. July 22, 2021) (recommending that a motion for default judgment be denied for failure to comply with Local Civil Rule 55.2(c) when "[t]he only indicia (as distinguished from proof) that any portion of the moving papers was mailed to Defendants [was] found on [an] unsworn" filing).